

Proposal for amendments to GRVA-05-05

I. Proposal

Paragraph 5.3., amend to read:

- "5.3. Approval Authorities shall not grant any type approval without verifying that the manufacturer has put in place satisfactory arrangements and procedures to manage properly the cyber security aspects as covered by this Regulation.
- ~~[5.3.1. Each Approval Authority shall actively inform and seek guidance from other Approval Authorities before making the decision grant a type approval under this Regulation. To this effect, the Approval Authority concerned shall notify the Approval Authorities applying this Regulation of the draft approval decision, together with the description of the method and criteria of assessment employed by the Approval Authority. The documents referred to in paragraph 3.3 and the results of the tests performed pursuant to paragraph 5.1.2. shall be open for inspection by the Approval Authorities applying this Regulation, except where the manufacturer notifies, with the notifying Approval Authority, opposition to the inspection of designated part of the documentation, no later than at the moment of notification.~~
- 5.3.2. ~~Each Approval Authority applying this Regulation may notify the other Parties, within 30 calendar days, its reasoned reservations with regard to the whole or the part of the decision notified. Subsequently, the Approval Authority shall notify to the Approval Authorities applying this Regulation the draft decision revised taking into account the reservations received.~~
- 5.3.3. ~~If at least two Parties notify, within 30 calendar days, reasoned reservations to this draft decision, the Approval Authority shall not adopt a type approval decision. In this case, the draft type approval decision, together with the description of the method and criteria of assessment employed by the Approval Authority, and the reservations notified pursuant to this section shall be referred to the Chair of the World Forum for Harmonization of Vehicle Regulations (WP.29) and to the Chair of the subsidiary Working Party as diverging interpretations within the meaning of Schedule 6 to the [1958 Agreement]. The procedure provided for in paragraph 3 of Schedule 6 shall apply. The documents referred to in paragraph 3.3 of this Regulation and the results of the tests performed pursuant to paragraph 5.1.2. shall be open for inspection by the Chair of WP.29 and the Chair of the subsidiary Working Party on the same conditions as those set out in paragraph 5.3.1. above.~~
- 5.3.4. ~~The interpretation agreed in the Working Party shall be implemented and the approval authority shall issue UN type approval accordingly.]"~~

II. Justification

1. Paragraphs 5.3.1. to 5.3.4. oblige an Approval Authority (AA) granting Type Approval (TA) to notify the other AAs of the draft approval decision before making the decision to grant the TA, and empower the other AAs to suspend the TA. These paragraphs prejudice AAs' rights to grant TA, which are inherent to Contracting Parties (CPs) guaranteed by 1958 agreement.
2. This proposal also significantly impairs transparency and predictability of TAs for their applicants.